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February 22, 2008

**Via CM/ECF**

The Honorable Harvey Bartle III  
United States District Court  
For the Eastern District of Pennsylvania  
16614 United States Courthouse  
601 Market Street  
Philadelphia, PA 19106

**Re: Capano v. Carroll, et al. C.A. 06-58 JHB**

Dear Judge Bartle:

I am writing to advise the Court that the Petitioner may rely on the recent decision of the Delaware Supreme Court in *Wright v. State*, 2008 Del. LEXIS 61 (Del., February 7, 2008) with respect to the *Beck v. Alabama* issue raised in the Briefs.

Respectfully yours,

*/s/ Joseph M. Bernstein*

cc: Elizabeth R. McFarlan, Esquire (By CM/ECF)